

AMERICAN SUPERVISION OF ELECTIONS IN NICARAGUA

by

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PART I THE PRESIDENTIAL ELECTIONS

AS part of the plan outlined in the Tipitapa agreements of 1927¹ for the pacification of Nicaragua, the United States has now supervised two elections in that country—the presidential election of 1928 and the congressional elections of 1930. The following report will describe the system of supervision and analyze its results during the last two years.

The supervision of elections was formally proposed to the United States by President Díaz in his memorandum of May 15, 1927.² On June 10 President Coolidge accepted the proposal, and in July nominated General Frank R. McCoy as chairman of the National Board of Elections of Nicaragua—a body that had been authorized in the electoral law of 1923.³ Following a visit of General McCoy (who was given the rank of Envoy Extraordinary and Minister Plenipotentiary) and Dr. H. W. Dodds to Managua, a new electoral law was drafted.⁴ Although the Nicaraguan Senate accepted the law on January 10, 1928, the Chamber, supposedly under the influence of Emiliano Chamorro, refused to approve it on constitutional grounds.⁵ On January 17 this body adopted a substitute law which in the opinion of the

State Department would make impossible adequate supervision. The American authorities, confronted by a critical situation, declared that the Tipitapa agreements must be carried out. On March 7 the Senate passed an amended draft by a vote of 16 to 8; but the Chamber defeated the new bill on the 13th and immediately adjourned.⁶

THE 1928 ELECTION DECREE

Nevertheless, the Nicaraguan Supreme Court on March 17 appointed General McCoy chairman of the Board of Elections and on March 21 President Díaz issued a decree suspending the 1923 electoral law on the ground that there was no time to hold registrations in accordance with that law, and vesting in the National Board of Elections full powers in regard to the forthcoming election.⁷ The decree also provided that the Board could take no action without the consent of its chairman, General McCoy. This chairman could take any emergency measure which in his opinion was indispensable for the conduct of a fair election.⁸ He was also authorized to give orders to the *Guardia Nacional*.

1. Cf. R. L. Buell, "Reconstruction in Nicaragua," F. P. A. Information Service, Vol. VI, No. 18, November 12, 1930, p. 321, 322.

2. In a letter of May 11, 1927, General Moncada declared that he had believed in supervision since 1912, and that he had requested it from Admiral Latimer in October 1926. Cf. *Reglamento Electoral Para las Elecciones de Autoridades Supremas*, Dictado por el Consejo Nacional de Elecciones, p. I, (Hereinafter cited as *Reglamento Electoral*.)

3. Article 16, law of March 1923.

4. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 318.

5. Article 84, paragraph 2, of the Nicaraguan Constitution declares: "It shall be the duty of Congress . . . to regulate the votes, judge, and declare the election of President and Vice-President. . . ."

6. The bitterness of the debate is shown by the statement of Senator Altamirano who called the proposed law a "legal monstrosity." Under the law, "one Yankee would designate the president of the National Board of Elections," who would in turn dominate the National Guard. If the law passed, the Senator declared, Nicaragua would become a "Yankee protectorate." *La Gaceta*, March 8, 1928, p. 397.

7. For the text of the decree and the electoral regulations, popularly known as the McCoy law, subsequently drawn up by the Board, cf. *Reglamento Electoral*, cited.

8. Such a measure would become effective as an order of the Board twenty-four hours after it was submitted by the chairman. These emergency powers were never evoked. Cf. General McCoy, *American Electoral Mission in Nicaragua*, Address, Institute of Public Affairs, University of Virginia, August 1929.

The National Board of Elections also contained two Nicaraguan members, a Conservative and a Liberal. The vice-president, secretary, finance and property officers of the Board, as well as the chairman, were American officers.⁹ In addition to the Board, there was also the American Electoral Mission, likewise headed by General McCoy, who was assisted by about five technical advisers and 900 other Americans who were actively engaged in the work of supervision. The November election was for the purpose of choosing not only a President and Vice-President, but also nine Senators and twenty-five Deputies.

Between April 25 and December 13 the National Board of Elections held sixty-five sessions. Nearly all of the decisions taken by the Board were unanimous. Its task was to establish and administer registration, nominating and voting machinery. Under the National Board there were thirteen departmental boards and 432 local boards, one for each 400 voters.

AMERICAN CHAIRMEN APPOINTED FOR LOCAL BOARDS

While the 1923 electoral law assumed that all members of these boards would be Nicaraguans, the new regulations (Articles 17, 22) provided that an American should be chairman of each board. The Americans appointed chairmen of the departmental boards were with one exception army officers, and most of them had acted as observers or supervisors in elections in Cuba, Santo Domingo or Panama, or in the Tacna-Arica plebiscite of 1926-1927. Each chairman was assisted by several ensigns chosen from the last two graduating classes at Annapolis because of their proficiency in Spanish.¹⁰

At one time it was intended to make use of civilians as chairmen of the 432 local boards; but this proved impracticable both because of the expense and because of the difficulty of securing qualified civilians. With the consent of both political parties, marine enlisted men and non-commissioned officers were detailed as local chairmen and vice-

chairmen. The enlisted men appointed to serve as chairmen were sent to school to receive instruction in Spanish and in the electoral regulations. It was necessary to remove only two such officials for misconduct: 864 Americans were assigned to these local boards.¹¹

NOMINATION OF CANDIDATES FOR PRESIDENTIAL ELECTION

The next step was the nomination of candidates. As early as February the Liberal party had nominated for President José María Moncada, the general who had signed the Tipitapa agreements. Since he had been a leader in the revolution, the Conservative member of the National Board of Elections challenged Moncada's eligibility. General McCoy and the Liberal member ruled, however, that the recognition treaty of 1923¹² did not affect the constitutional eligibility of a candidate. Even though it did, they ruled that the treaty would not apply in this case since no recognized government had been overthrown in the revolution of 1926-1927 and the new government to be chosen in November had not come into power as a successor to a revolutionary government.¹³

For a time it seemed that no candidate to oppose General Moncada would be named by a unified Conservative party. A year previous to the elections, General Emiliano Chamorro had gone to Washington to learn whether or not he would be recognized by the United States if elected. On October 22, 1927 Secretary of State Kellogg declared that the United States could not but view Chamorro as ineligible because of Article 104 of the Nicaraguan Constitution which declared that no citizen who held the office of President could be eligible for the next term—and Chamorro had been *de facto* President from January 17 to October 30, 1926.¹⁴ Thus, although the State Department had refused to recognize Chamorro as President in 1926, it now declared that he had actually been President at that time—and in both cases its ruling worked against Chamorro's interests. There was a legal basis for the ruling in each instance; never-

9. Cf. Articles 14, 15, *Reglamento Electoral*, cited. As a rule about half a dozen Americans were invited to attend meetings of the Board. Cf. *Actas, Consejo Nacional de Elecciones, Sesiones 1-65* (Managua, 1928).

10. *Summary of Events and Policy from Stimson Agreements to Date* (Revised to September 1, 1928), American Electoral Mission in Nicaragua (mimeographed).

11. *Actas*, 55th Session, October 26, 1928.

12. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 316.

13. *Actas*, 47th Session, August 21, 1928.

14. *A Brief History of the Relations between the United States and Nicaragua, 1909-1928* (Washington, Government Printing Office, 1928), p. 56.

theless, the *Chamorristas* felt that they had been discriminated against. The Conservative party now found itself divided into two factions; one group, controlled by Chamorro, supported the candidacy of Señor Rappacioli; the other, controlled by President Díaz, supported the candidacy of Cuadra Pasos. Each faction claimed to represent the party and each held separate conventions in May 1928. As this division threatened the success of the election, the National Board of Elections passed a resolution on July 6 declaring that neither branch of the party had established its right to name candidates.¹⁵ After two weeks, Cuadra Pasos resigned his candidacy, but the two factions still could not agree. Following protracted negotiations, General McCoy on July 23 moved a resolution that if the Conservatives could not unite upon a candidate by July 25 more drastic action ought to be taken, but he withdrew this resolution following the threat of the Conservative member of the Board to resign. Three days later the Conservatives announced that a union had been effected, and that Adolfo Benard, a wealthy sugar-planter, 65 years of age, would be their candidate.¹⁶

THE THIRD-PARTY ISSUE

An equally delicate question arose in connection with the filing of nominations, and this was whether or not third parties should be admitted to the election. On July 16 two groups, called respectively the Conservative-Republicans and the Liberal-Republicans, petitioned to nominate candidates.

The participation of third parties had been authorized by the 1923 electoral law,¹⁷ but such authorization was omitted from the electoral regulations of 1928. Nevertheless, the National Board of Elections could have

admitted third parties, had it wished to do so, under the decree of March 1928, which gave it "full and general authority to supervise the elections. . . ."

Confronted by these two petitions, the Board had to decide whether to exercise this power.¹⁸ In the discussion that developed, the Conservative member favored the idea of third parties, apparently in the belief that this would injure the Liberals. General McCoy and the Liberal member were opposed. On August 2 General McCoy read a *constancia* in which he declared that, in view of Nicaragua's recent revolution, "peace is essential before anything else." To obtain peace he declared that it was necessary for the country to accept the results of the coming elections; and to obtain such an acceptance the candidate should gain the acquiescence of a majority of the voters. Such approval could not be obtained if the result was inconclusive and the election was thrown into Congress.¹⁹ Therefore General McCoy contended that the voting on November 4 should be confined to the two historic parties. After suspending the session for fifteen minutes so that the political members could discuss the matter privately, he proposed a resolution, which was adopted, denying the petition of the Liberal-Republican party.²⁰

THE REGISTRATION OF VOTERS

The registration of voters took place during five days in September. Male Nicaraguans over 21 (or over 18 if married or able to read and write) were eligible to vote. A large number of precautions were taken to prevent both fraudulent registration and voting. A total of 150,618 voters registered, or about 25 per cent more than in 1924. The National Board of Elections also took a number of measures looking to the maintenance

15. Both factions had already agreed upon Dr. Castillo as the Conservative member of the Board of Elections.

16. Julio Cardenal, a relative of Cuadra Pasos, was nominated for vice-president.

17. Article 7 declared that for the purposes of the law any group would be considered a political party which had maintained a national organization since the last presidential election and whose presidential candidate at the last election had obtained 10 per cent of the total vote. However, a political organization which presented to the National Board of Elections a petition signed by citizens equal to 5 per cent of the votes cast in the last presidential election would also be considered a political party.

18. On July 27 it sent a letter to each group declaring that the 1923 law had been suspended; but on July 30 the Liberal-Republican group asked that their petition be reconsidered. The second group, the Conservative-Republicans, did not ask reconsideration of their petition.

19. Under the Nicaraguan Constitution (Article 84, paragraph 2), it is necessary to receive an absolute majority to be elected President; otherwise Congress chooses between the two persons who have received the largest number of votes. Since the Nicaraguan Congress at this time had a Conservative majority, the admission of a third party might have led to the final choice of a Conservative instead of a Liberal President.

20. In view of the fact that the Liberal-Republican party received less than 10 per cent of the votes in the 1924 election (actually it received 8.5 per cent), it probably would not have been allowed to participate in the 1928 election under Article 7 of the Dodds law, but the records of the electoral board seem to place the rejection of this group upon the ground that any third party was undesirable. After many conferences in Nicaragua, General McCoy also came to the conclusion that no third party sentiment worthy of the name existed. Cf. his address to the Institute of Public Affairs, University of Virginia, cited; also H. W. Dodds, "The Nicaraguan Election," *Foreign Affairs*, April 1929, p. 495.

of order on election day and to the removal of intimidation and other forms of pressure upon voters at any time during the election campaign.²¹

CONSERVATIVES PROTEST AGAINST DISCRIMINATION

Despite these precautions, a number of complaints of intimidation and unfairness, coming for the most part from the Conservatives, were made. Such complaints were placed before the National Board by the political member concerned; and in each case the Board made as careful an investigation as possible. On October 17, however, the National Governing Board of the Conservative party sent to General McCoy personally a long memorandum²² which declared that the Conservative party, which for seventeen years had followed a policy of "confidence" in the United States, had accepted election supervision "in order that electoral liberty might be realized." Nevertheless, in the northern areas, where banditry had been flourishing and which normally were Conservative, hundreds of voters had been obliged to emigrate; others had been imprisoned without justification. The memorandum declared that the *Guardia Nacional* was composed of a majority of Liberals and was hostile to Conservative candidates. After citing a number of cases of alleged discrimination and intimidation, the memorandum stated:

"The intention of the intrigues of our adversaries is very clear. They desire to make the masses believe that the Conservative party is now oppressed by the high authorities; and they know that with these incidents citizens will be afraid to support the Conservative ticket. . . . We know that it is not the intention of the American authorities, in whose honor we believe, to serve interests adverse to the Conservatives; but the Liberals, at the same time as they make these false charges, afterward point to these arrests as a sign that the Americans sympathize with their cause and oppose Conservatism."

The memorandum closed by declaring that if this state of affairs continued it would be useless for the Conservatives to participate in the election.

21. The nature of these measures is discussed in connection with the 1930 election; cf. p. 391.

22. This memorandum was not embodied in the proceedings of the Board.

On November 1st General McCoy replied, answering each specific charge in detail. He declared that, except in Nueva Segovia, the percentage of registration in the northern area compared favorably with the rest of the republic and was 2 per cent higher than in 1924; the Conservatives had not therefore suffered from banditry.²³ He also declared that arrests had not been made for political reasons, but because of the commission of crime. In conclusion he stated that all the facts mentioned in the memorandum already had been presented to the National Board of Elections and had received investigation, the results of which he assumed had been communicated to the Conservative directory.

ORDERLY ELECTION RESULTS IN VICTORY FOR LIBERALS

The election which was scheduled for Sunday, November 4, was held without any disorder.²⁴ This result was due in part to the policing of the polls and of the country generally by American marines and bluejackets, and by the newly organized *Guardia Nacional*. Each voter was required to dip his finger in an indelible stain to prevent repeating. The final result of the election was a victory for the Liberal candidate, José María Moncada, by a majority of nearly 20,000. A little less than 89 per cent of those registered voted.²⁵

Following the election, *La Prensa*, the Conservative organ, declared:

"American honesty in the supervision of our election must constitute a testimonial of legitimate pride. . . . Not a single cry of protest nor slightest sign of excitement has been made in Conservative ranks."

Immediately after the election, the ballots of each local board were checked by the department board concerned, and the returns forwarded to the National Board of Elections at Managua, whose approval was also necessary. The Conservative member made objection to the department returns in the cases of Managua, Bluefields and several

23. The Conservatives state that the reply was not actually received until election day.

24. A number of cases of disputed domicile arose in the Bluefields department in the territory disputed between Nicaragua and Honduras.

25. Sandino had planned to interfere with the voting in the northern area, but was prevented from doing so by numerous marine columns and three "ghost patrols" of the *Guardia*. During the registration period two bandit raids were made in the department of Jinotega.

26. The Liberals received 76,676 votes and the Conservatives, 56,987; the total vote was 133,663—in comparison with 84,096 in 1924.

other areas. While he finally withdrew the objection to Managua, he voted against the Bluefield returns.²⁷ The other two members, however, approved the returns, and the duties of the Board ended. At its last session, held December 13, the Liberal member expressed gratitude to General McCoy for his impartial attitude; the Conservative member also expressed thanks, and added that "if errors prejudicial to the Conservative party" had been made, they had been "errors of appreciation."

Under the Nicaraguan Constitution (Article 84, paragraph 2), Congress must approve the election returns before the new President may assume office. At this time the Conservatives held a majority in Congress and were therefore in a position to throw out the returns. In a heated debate on December 20, Conservatives made charges of unfairness, one of them stating that if General Moncada was to become President, it would be because of American bayonets, and not by the popular will.²⁸ Nevertheless on the 28th the election of General Moncada was approved,²⁹ and he was inaugurated on January 1 for a term ending on December 31, 1932. Meanwhile, General McCoy had resigned as chairman of the National Board of Elections; and President Moncada now named a Liberal to take his place.

TWO CRITICISMS MADE OF AMERICAN SUPERVISION

Testimony in Nicaragua is practically unanimous that General McCoy and his asso-

ciates were as impartial in conducting this election as it was possible for any one to be. Nevertheless two criticisms of the 1928 election were made: the first, that it was impossible, because of conditions, for the American officials to remove all of the obstacles to a fair election;³⁰ the second, that the American State Department and Colonel Stimson personally wished to see the election of Moncada. This latter belief is widely held not only in Nicaragua but throughout Central America. General Moncada, once a member of a Conservative Cabinet, had the reputation of being one of the few pro-American Liberals.³¹ He signed the Tipitapa agreements after a delegation from Dr. Sacasa's government had refused to do so—an action which, it is contended, made Moncada popular with Stimson but unpopular with the Liberal party.³² A number of observers declared that the Liberal party would not have nominated Moncada had it not been for a belief that the United States wished to see him elected.³³ Upon several occasions the State Department as well as General McCoy insisted that the United States was perfectly neutral. That such statements were regarded as necessary indicates the extent to which the opposite belief was held. It is contended, in short, that the psychological atmosphere of the election was weighted against the Conservatives. It may be inevitable, however, for the losing party in any supervised election to blame its defeat upon the supervising authority.

THE 1930 ELECTIONS

During the 1928 election campaign, General Moncada and Señor Benard, the Conservative candidate, in an exchange of letters, proposed that the United States supervise the 1932 presidential election.³⁴

Although it was not originally intended to have the intervening congressional elections supervised, the outcome of the municipal elections held in the fall of 1929 caused

so much adverse comment from the Conservatives that sentiment for supervision of the congressional elections of 1930 also arose.³⁵ The Conservative party in fact

31. In 1911 Moncada wrote that "if the United States government would intervene to free us" from the Zelaya régime "and establish a government of justice and morality . . . its intervention would be a thousand times blessed; but to sustain tyrants and military ignoramuses, as has been done occasionally, undoubtedly through error, no, no, a thousand times no." Cf. J. M. Moncada, *Social and Political Influence of the United States in Central America*, August 1911, translated by A. C. Gahan.

32. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 322.

33. Cf. p. 398.

34. For the letters, cf. *Report of the Collector-General of Customs*, 1928 (Managua, 1929), p. 34.

35. In the election at León in November 1929, there were two Liberal candidates, the first one, General Parejón, supposedly being Moncada's choice. The other Liberal candidate, however, won the election; but the Supreme Court nullified the election, partly on the ground that the nominating petition had been signed by a representative of the party committee instead of by the party as such. It declared Parejón mayor. For the judgment, cf. *Boletín Judicial*, February 28, 1930, p. 7300. Op-

27. For the minutes, cf. *Informes Sobre las Elecciones de Autoridades Supremas 1924 y 1928, Republica de Nicaragua* (Managua, 1929), p. 81 *et seq.*

28. *La Gaceta*, February 11, 1929, p. 271. Another declared that resolutions of the National Board of Elections obliged the Conservative party to divide candidates with a small fraction of the party, thus bringing persons to the Chamber who were not really Conservatives. *Ibid.*, March 7, 1929, p. 364.

29. *Ibid.*, p. 365.

30. This is discussed at length on p. 391 *et seq.* in connection with the 1930 election.

served notice that it would not participate in the elections so long as a Nicaraguan was chairman of the National Board of Elections, and no Conservative attended meetings of this Board until the arrival of the new American chairman, Captain Alfred W. Johnson.

Confronted by this situation, the Nicaraguan Minister of Foreign Affairs, Cordero Reyes, sent a note to the American Minister on February 12, 1929, declaring that the government had reached an agreement with the Supreme Court whereby that body would name an American citizen, designated by the United States, chairman of the National Board of Elections. This was to be "the first part of a general plan tending to the holding of truly free elections in the future." The note declared that President Moncada desired to obtain "in a permanent manner" the cooperation of the United States. The Nicaraguan government would be willing to pay an American chairman a salary of \$8,000 a year. Apparently it was the intention to have an American electoral official live permanently in Nicaragua, just as does the American Collector-General of Customs.

Without committing itself to this plan of permanent supervision, the State Department on May 12, 1930 announced the designation of Captain Alfred W. Johnson, U.S.N., for appointment by the Nicaraguan Supreme Court as chairman of the National Board of Elections, for the purpose of supervising the congressional elections of 1930.³⁶ This election was to choose one-half of the total number of Deputies and one-third of the Senators.

Upon his arrival in Nicaragua in July, Captain Johnson began to organize electoral supervision. His efforts to secure a fair election are illustrated in instructions given to American officials who were warned never

to let the ballot boxes and other documents out of their immediate charge.

"It is not enough just to be impartial: every man in your Canton must know that you are. . . . Do not assume an air of superiority. . . . Beware of damaging contacts and entanglements. . . . Consider carefully before accepting favors and especially gifts. . . . Remember that Reputations are easily Made and Once made are difficult to change. . . ."

THE LEGAL BASIS OF THE 1930 ELECTIONS

The legal basis for the 1930 election was somewhat different from that of 1928. It was conducted under the authority not of the 1928 decree but of the Dodds law of 1923, as amended by a decree of July 26, 1930.³⁷ Generally, the machinery established in 1930 was similar to that in 1928. American officers were chairmen and vice-chairmen of the thirteen departmental boards, while bluejackets and marines were chairmen of the local boards. Altogether, fifty-two officers and 597 enlisted men were engaged in supervision.³⁸ Since the 1930 election was to elect only half the Deputies and one-third of the Senators, actual voting took place only in part of the country. Consequently there were only 268 local boards (*mesas*), in comparison with 432 in the 1928 election, although the number of department boards remained the same.

At one of the early meetings of the National Board of Elections in July 1930, Dr. Castillo, the Conservative member, declared that a fair election was impossible unless all forms of government pressure over the voters during the election campaign were eliminated. In a memorandum submitted to the Board, he requested amnesty for all political prisoners; raising of the state of siege; complete liberty of the press and of discussion; putting the *Guardia Nacional* and certain other police under the exclusive control of the chairman of the Board of Elections for two months before the election; and the supervision of municipal elections. He asked that a sum be provided for the repatriation of those Conservatives who had

ponents of Moncada declared that the opposition candidate was thrown out because of the President's influence over the Supreme Court.

A somewhat similar situation existed in Granada, the stronghold of the Conservatives. In the mayoralty election of November 1927, a Conservative won, but the Supreme Court declared the Liberal candidate the victor. Cf. *Boletín Judicial*, June 30, 1928, p. 6377. While the Liberals were not in power when this decision was made, opponents of Moncada charged that in the subsequent election improper means were used again to secure the election of a Liberal mayor in this Conservative stronghold.

36. State Department, *Press Releases*, No. 74, p. 247; No. 83, p. 320. Captain Johnson was also given the rank of Envoy Extraordinary and Minister Plenipotentiary, ranking immediately after the American Minister.

37. The principal amendments relate to independent candidates and legal residence. To establish the latter, a month's residence in the district was necessary. Cf. p. 391.

38. United States Navy, 33 officers and 318 enlisted men; United States Marine Corps, 14 officers and 279 enlisted men; United States Army, 5 officers.

emigrated because of banditry. He charged that under pretext of road construction, the Moncada government was moving Liberal workmen from districts where elections would not be held into Conservative districts where, after a month's residence, they were being registered. To prevent the use of government funds for Liberal party propaganda, he declared that the Financial Officer of the American Electoral Mission, or some other official, daily investigate government expenditure. The American marines, he declared further, should take over the distilleries of *aguardiente* (as in 1928) and should establish "absolute control" over telegraphs, telephones and post offices; the Conservative party should be given free use of these services. Free passes upon the railway, except for a few government officials, should be abolished; and government automobiles should not be used for election purposes. The distribution of public land should be suspended as this was a possible form of bribery. The district criminal judge should make a weekly report of sentences and arrests; and if either party complained against a judge, the chairman of the Board should appoint an American official who, with two Nicaraguans, should make an investigation. They should either dismiss the complaint or refer it to the Supreme Court. Finally, the Road Law, which requires every man to labor one day a year or pay a tax, should be suspended during the election period.

Another request was that the National Board of Elections should restore in the northern areas the elected municipalities suppressed by Moncada under martial law,³⁹ and that certain guarantees in regard to the nomination of candidates should be given. Complaints were made in several departments that the national governing board of each party was attempting to impose candidates against the wishes of the voters in the department.⁴⁰ Unlike the Crowder Electoral Code in Cuba which provided for the periodic reorganization of party machinery, the electoral law of Nicaragua contains no pro-

visions making such machinery responsible to party members.⁴¹ The only recourse is to run an independent candidate, as was done in several cases.⁴²

MEASURES TAKEN TO REMOVE PRESSURE UPON VOTERS

While the National Board of Elections did not attempt to interfere in the question of nominations, the Board and General Moncada did take a number of steps to remove pressure upon voters. Thus the President lifted the state of siege in the northern areas and granted amnesty to persons who had committed political offenses since January 1, 1930.⁴³ Captain Johnson instructed the *Guardia Nacional* to take orders from the National Board of Elections in order to protect the liberty of suffrage. At the same time the Treasury Guards were placed under the control of the *Guardia*.⁴⁴ A few days later a decree placed the depositaries of *aguardiente* under the *Guardia*, making the purchase of liquor dependent upon a permit. The purchase of distilled liquors twenty-four hours before and during registration and election days was prohibited.⁴⁵ The election board reduced the possibility of moving Liberal road-workers into Conservative districts for election purposes by ruling that the thirty days' residence requirement implied "the intention to acquire there a domicile."⁴⁶ The postal frank was granted to certain officials of both parties.⁴⁷ In view of charges that a number of citizens had been held in jail without a hearing, Captain Johnson wrote General McDougal, *Jefe Director* of the *Guardia*, asking that no further arrests be made except when the offense was clearly included under the penal code, or at the request of the American chairman of the departmental or local election board.⁴⁸

In past elections it had been customary to disfranchise voters of the opposition party by issuing against them warrants of arrest,

41. It merely states that nominations shall be presented by the National Governing Board of each party (Article 96).

42. Cf. p. 394, footnote 71.

43. *La Gaceta*, July 11, 1930, p. 1201; *ibid.*, August 18, 1930, p. 1454. The preamble of the latter decree (No. 113) declared that it was the government's desire to facilitate the return of all citizens to the country.

44. *La Gaceta*, August 28, 1930, p. 1513.

45. *Ibid.*, September 2, 1930, p. 1550.

46. *El Comercio*, August 5, 1930.

47. *La Prensa*, September 4, 1930.

48. *La Noticia*, October 23, 1930.

39. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 328.

40. For the case of Herbert Correa, in Bluefields, cf. *La Prensa*, July 27, 1930; cf. also the protests of the Conservatives of Chontales, *El Comercio*, August 3, 1930; and *La Noticia*, August 31, 1930.

called *auto de prisión*.⁴⁹ There is no obligation to try the case, and a voter may have an *auto de prisión* hanging over his head for years. During the supervised election, however, the American electoral chairmen were instructed to allow a person to register, if the judge issuing the *auto de prisión* was unable to show good and sufficient reason for delay in trial.

Despite these measures, no steps were taken to insure freedom of the press, as in the case of *El Nuevo Tiempo* or *La Epoca*,⁵⁰ and President Moncada declined to restore the elective municipalities in the five northern departments. Conservatives contended therefore that government pressure could still be used in favor of Liberal voters. They complained that Conservatives were being intimidated and that the government was using road money to buy votes.⁵¹ Generally, it is declared that the party in power is in a better position to influence results than the opposition.

ADMINISTRATIVE DIFFICULTIES—1930

In certain respects the difficulties of organizing the electoral machinery and of policing the elections were greater in 1930 than in 1928. In the latter year about 5,000 marines were in the country; they assisted in the maintenance of order, while the marine organization was used to provide American electoral officials with food and other physical needs. In 1930, however, this marine organization had been severely curtailed, there being less than 1,000 marines in the country.⁵² In order to establish the electoral machinery, American chairmen were obliged to go into the most inaccessible parts of the country, remaining for two or three months under unpleasant living conditions and in uncongenial surroundings.⁵³ The assignment, therefore, was no easy one. The American officials wished to increase the size of the *Guardia*—already preoccupied with the bandit campaign—so as to police

the elections properly; but President Moncada declined to do so in view of the financial depression. It was finally arranged that the Second Brigade Marines should share with the *Guardia* responsibility for policing the polls. American ships of war were anchored at Corinto and off the east coast on election day.

From the political standpoint, the supervision of the election in 1930 was more difficult than in 1928. At the latter date the Presidency was held by Adolfo Díaz, who owed his position to the American intervention and who consequently cooperated fully with the American authorities. In 1930, however, President Moncada, who owed his position to the 1928 election, did not feel so dependent upon the United States as had President Díaz.^{53a}

LIBERALS GAIN CONTROL OF BOTH HOUSES OF CONGRESS

The elections were held on November 2 without any disorder. According to preliminary reports they resulted in a victory for the government, the Liberals electing seven Senators and sixteen Deputies, and the Conservatives, two Senators and six Deputies. The result has been to give the Liberal party a clear majority in both houses of Congress.⁵⁴ For Deputies 49,641 persons voted out of a total registration of 85,476, or 58 per cent, in comparison with 89 per cent in the presidential election of 1928.⁵⁵ The lightness of the 1930 vote is explained partly on the ground that in a congressional election voting is done by districts; consequently there is no incentive for a large vote where the result is a foregone conclusion. In a presidential election, however, voting is by the country as a whole, and every vote counts.

CONSERVATIVES CHARGE BRIBERY AT GRANADA

Perhaps the most interesting feature of this election was the fact that the Liberals carried the district of San Francisco in the former Conservative stronghold of Granada. The Conservatives contended, however, that

49. Cf. Article 20, paragraph 1, Nicaraguan Constitution.

50. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 328. It is stated that the refusal to allow these papers to appear was technically legal and that therefore the American Electoral Mission had no jurisdiction in the matter.

51. *La Prensa*, August 2 and 22, 1930; for denial, cf. *La Noticia*, August 29, 1930. Despite the suppression of the municipalities, the Conservatives carried Chontales and Matagalpa.

52. However, 153 additional marines were landed to maintain order during the election period.

53. In those places lacking marine messes, election officials were given ration money of \$3.10 a day.

53a. Cf. p. 393.

54. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 326. The Liberals now have a majority of 29 to 14 in the Chamber of Deputies, and of 16 to 8 in the Senate. *La Noticia*, November 5, 1930.

55. Cf. p. 388, footnote 26. Seventy-five voters were challenged in the 1930 election.

this Liberal victory was the result of bribery.⁵⁶ *La Prensa* declared that while the election had been "free," it had not been "honest or just."⁵⁷ The defeated Conservative candidate, Pedro Joaquín Chamorro (who is also editor of *La Prensa*) sent an open letter to Captain Johnson after the election, charging that Liberal party workers had bribed Conservative voters at Granada and that the American chairman of the electoral board of that department had refused to stop such bribery and had favored the Liberal candidate.⁵⁸ At the same time an official of the Conservative party in the department of Granada charged that voters had been bribed not only by money but also by *aguardiente*, and that illegal arrests had been made to terrorize Conservative voters.⁵⁹

The National Board of Elections sent Major Price to Granada to investigate these charges. Here Conservatives declared that the real reason for Dr. Chamorro's defeat was that his nomination had been imposed upon Granada by his relative, General Emiliano Chamorro, against the wishes of local Conservatives.⁶⁰ Consequently many Conservatives had abstained from voting or had voted the Liberal ticket. The investigation concluded that while the American departmental chairman may have been indiscreet in some of his remarks, there was no evi-

dence in support of Dr. Chamorro's accusations. On November 15 the National Board of Elections unanimously approved the Granada returns.⁶¹ A few days later President Moncada issued a manifesto declaring that the accusations of fraud were unjust. All of the government authorities had cooperated with the Electoral Mission.⁶²

Moreover, the *Diario Moderno*, a Liberal paper, declared: "Captain Johnson and the Mission over which he presides have done their best for liberty and democracy in Nicaragua. . . . Captain Johnson and the American Electoral Mission which has assured to every citizen one of the most sacred liberties—that of suffrage . . . deserves . . . the gratitude of the Nicaraguan people."

Following the election Captain Johnson expressed gratitude to the people and press of Nicaragua for their cooperation. He also mentioned the loyal assistance of the Marine Brigade and the work of the *Guardia Nacional* under General McDougal. He did not, however, thank the Moncada government—an omission which Conservative writers declared was significant.⁶³ On December 4, the United Press reported that President Moncada had deported four Conservatives. They were charged with conspiracy against the government.⁶⁴

PART II

ADVANTAGES AND DISADVANTAGES OF SUPERVISION

The outstanding advantage of a supervised election is that it insures the voters a real opportunity to determine whether or not they wish a change in administration. The absence of such an opportunity has been a main justification of revolution. Writing

of the 1927 agreements, Colonel Henry L. Stimson declared that supervision was

" . . . the only road by which a bloody and devastating revolution could be stopped and ballots substituted for bullets in determining whether Conservatives or Liberals should hold the reins of government. Furthermore it was legitimate to hope that if a generally admitted fair election could once be held, it might serve as a guide and pattern toward which the minds of the Nicaraguan people might turn in the future, and that having been shown by Americans that such an

56. On November 6 the American Minister, Matthew E. Hanna, reported to the State Department that "he noted no disposition to question the results of the elections nor criticism of the supervision of the electoral mayors." The State Department gave this report to the press on the next day, but has not given out any further information (so far as press releases reveal) as to the protests made against the election by the Conservatives. The *New York Times* headed a dispatch of November 4 from Managua: "Losers Call Election in Nicaragua Fair," but no New York newspaper appears to have published any account of the controversy over the San Francisco district.

57. P. J. Chamorro, "Derrotado, Pero A Mucha Honra," *La Prensa*, November 6, 1930.

For the memorial of November 13, and the protest of November 14, cf. *Nuestro Diario* (Guatemala), November 21, 1930 and *La Noticia*, November 16, 1930. According to Article 93 (f) of the Electoral Law, if the chairman of the National Board determines that qualified voters have been prevented from voting freely by bribery or coercion, "the National Board will render a detailed and documentary report to the National Congress so that it may take the steps which the Constitution prescribes."

58. *La Prensa*, November 7, 1930.

59. Cf. also the attack on President Moncada in *La Prensa* for November 8 and November 13 by Adolfo Fernandez.

60. *La Noticia*, November 15, 1930. Cf. also G. Guerrero, "Comentario al fracaso del General Chamorro," *La Noticia*, November 6, 1930; J. Ramon Aviles, "La limosna de una Diputación," *La Noticia*, November 13, 1930.

61. *La Noticia*, November 16, 1930. The Conservative as well as the Liberal member voted in favor of all the departmental returns. In 1928, however, there had been a division regarding one or two departments. Cf. p. 388.

62. *Ibid.*, November 20, 1930.

63. *La Noticia*, November 15, 1930; also Adolfo Fernandez, "El Capitán Johnson se refiere a los Electores Nicaragüenses," *La Prensa*, November 8, 1930.

64. *New York Telegram*, December 4, 1930.

election was possible, they would be encouraged in the future to adopt permanently a system of free elections with their own efforts. The saving of a nation from anarchy; the termination of a century-old political vice which had destroyed its attempted democracy; the setting of that nation upon the road to a possible orderly self-government—all seemed to me to be a goal worthy of every possible effort."⁶⁶

From the standpoint of the United States, supervision also was a means whereby it could justify to the outside world and to Nicaraguan leaders its intervention to terminate the 1926-1927 revolution. Supervision seemed to be a peaceful means of settling difficulties that supposedly had kept the country in armed strife, and of training the people in self-government, thus preventing future revolution.

Nevertheless two questions concerning supervision are being asked in Nicaragua today: (1) Is the present system of supervision "fair" and is it possible to make any system "fair"? (2) Is the present system teaching the Nicaraguan people self-government?

IS THE PRESENT SYSTEM OF SUPERVISION "FAIR"?

While the opinion is almost unanimous that the American electoral missions of 1928 and 1930 have been impartial, some critics contend that no system of supervision can be fair until the supervising authority guarantees complete liberty of the press and of discussion, popular control over nominations, and the removal of various forms of pressure upon the voters by administrative departments of the government and by the courts. To insure such conditions it will be necessary, it is contended, for the United States to maintain a permanent electoral mission in Nicaragua; and even then, it will probably be impossible for an outside authority to close all the loopholes of unfairness. A number of Americans and Nicaraguans are coming to the conclusion that a really "fair" election can take place only with the development of a sense of fair play among Nicaraguans, and they see no signs that this is being developed by a system of foreign supervision.

Moreover, some observers contend that even though a supervised election is fair, the

losing party will attempt to rationalize its defeat by blaming it on the "unfairness" of the supervising authority. A publication of the 1928 American electoral mission frankly states: "It is anticipated that the losing side will charge personal bias, fraud, etc., against the American Electoral Mission. No matter how impartial the work and attitude of every member, these charges will be made and must be accepted philosophically."⁶⁷ The likelihood that such charges will be made is increased by the practice of the United States of passing upon the eligibility of presidential candidates under the 1923 recognition convention.⁶⁸

Discrimination Against Third Parties Charged to be "Unfair"

Second, it is contended that no system of supervision is "fair" which discriminates against third parties and independent candidates. The so-called McCoy law of 1928 omitted the provisions of the 1923 electoral law authorizing the formation of third parties; and the National Board of Elections, as we have seen, ruled against the admission of third parties in the 1928 election.⁶⁹ The 1930 decree somewhat changed the situation by providing for the admission of political groups presenting a petition signed by a number of citizens equal to 10 per cent of the votes cast in the last presidential election, but specifying that "the signatures shall be those of citizens who know how to read and write. . . ."⁷⁰

During the 1930 electoral period, the National Board of Elections recognized three out of the four petitions submitted by independent candidates,⁷¹ each coming from a local group and containing the requisite signatures.

67. *Summary of Events and Policy from Stimson Agreements to Date*, cited, p. 17.

68. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 319, 322.

69. Cf. p. 387.

70. Article 7, Decree of July 26, 1930. Article 99 declares that any group may make a nomination by petitioning the Board with a similar number of signatures. No mention is made, however, of the literacy test, except in paragraph "b" which declares that the signatures on such petitions "shall be written in the handwriting of registered voters. . . ." The two articles thus appear inconsistent in that Article 7 prescribes an ability to read and write, while Article 99 prescribes only an ability to write one's name.

71. Andrés Murillo and Enrique Aquino were admitted on the ticket *Liberal Obrero de Santo Domingo*; G. Adolfo Mondragón and Guillermo Guerrero were admitted on the ticket *Conservador Obrero de Candelaria*, and Heberto Correa and G. Narciso were admitted on the ticket *Independiente de Bluefields*. The Board declined to accept the petition of the Liberal Republican party on the ground that it did not have sufficient signatures. *La Noticia*, September 3, 1930. Murillo and Mondragón virtually withdrew from the campaign. Correa received 248 votes, to 487 for the Conservative and 782 for the Liberal.

66. Henry L. Stimson, *American Policy in Nicaragua* (New York, Scribner, 1927), p. 61.

Nevertheless, it is contended that considering the country as a whole the provision requiring a petition to have the signature of 10 per cent of the voters, who must be literate, makes the establishment of a national third party extremely difficult. Since 65 or 70 per cent of the population of Nicaragua is illiterate, this provision means securing the signatures of a third of the literate voters. The literacy requirement does not apply to the Liberal or Conservative party, and is not exacted in connection with any civil or political right under the Nicaraguan Constitution and laws.⁷² The present electoral law does, therefore, frankly discriminate against third parties and independent candidates.

Liberals and Conservatives Oppose Third Parties

The leaders of both the Liberal and Conservative parties have been opposed to the admission of third parties, since this would obviously threaten their present position. A number of American officials also oppose third parties. It is contended that the establishment of third parties would make the results of elections indecisive and throw Congress into the hands of a number of irresponsible factions. Moreover, checking the validity of signatures on third-party petitions would impose a tremendous burden upon the election machinery. Finally, it is contended that in view of the intensity of historic party rivalries, dating back to pre-independence days, 90 per cent of the voters are affiliated with one of the two historic parties;⁷³ and that a Nicaraguan voter is no more likely to change his party affiliation than a Nicaraguan Catholic is likely to become a Protestant. Under such circumstances, it is argued, real third-party sentiment cannot exist. In June 1928 the so-called Nationalist party published a program,⁷⁴ but during the last year this group

has showed little activity, and it did not attempt to run candidates in the 1930 elections.

Arguments Advanced by Third-Party Proponents

Proponents of third parties declare, in reply, that third-party sentiment would develop in Nicaragua were it not for the restrictive features of the present electoral law. The severe rivalry between Liberals and Conservatives has gradually broken down in other Central American countries; and while party sentiment in Nicaragua may be more tense than elsewhere, this rivalry would decline if affairs were allowed to take their course.

According to this view, the development of new political groups in Nicaragua is desirable on two main grounds. First, the destruction of the present rivalry between Liberals and Conservatives would remove a fundamental cause of revolution,⁷⁵ and second, new groups are necessary if the real views of the Nicaraguan people toward the American occupation and toward internal problems are to find adequate expression.

The participation of third parties in elections is an established principle in practically every democratic country in the world, and there are certain special conditions in Nicaragua favoring the rise of third-party sentiment. For reasons elsewhere discussed, both the Liberal and Conservative parties here are *Americanista*—they do not object to the American occupation. Nevertheless, it is natural that the control now exercised by Americans over the Nicaraguan customs, the *Guardia Nacional* and the election machinery should be resented by many Nicaraguans who prefer internal disorder to efficiency coming from without. High Nicaraguan and American officials admit that the mass of the people are opposed to the American occupation, but today the nationalist cannot voice this opinion at the polls; he must either vote for *Americanista* candidates, whether Conservative or Liberal, or abstain from voting. Some nationalists go so far as to assert that the exclusion of third parties (i.e., organized anti-occupation groups) is a subtle means of maintaining American control over the country, claiming that

72. However, men of 18 who read and write may vote; but any man over 21 may do so.

73. McCoy, *American Electoral Mission in Nicaragua*, cited.

74. It demanded the "withdrawal from our national soil of all foreign armed forces and of all foreign officials who exercise jurisdiction. . . ." It declared that "no nation has the right of interfering in the settlement of the political questions of another nation." The program called on General Sandino "and his valiant companions to abandon the armed struggle and cooperate toward the triumph of the fatherland in the fields of civic struggle." Text published in *La Tribuna*, June 20, 1928 and *The Nation* (New York), September 18, 1928. On November 23, 1928 a number of Nationalists presented a memorial to President Hoover at Corinto, asking that Senator Borah be sent to Nicaragua to make a study of conditions.

75. For a more detailed discussion, cf. p. 398.

while the United States is willing to supervise an electoral contest between two *Americanista* groups, it will not tolerate a public decision upon whether or not the United States should withdraw.⁷⁶

It may be true that under present conditions there is only a small minority which demands the establishment of a new political organization, but, it is contended, if the present policy of the Nicaraguan government and of the State Department did not openly discriminate against a third party, it would not be difficult for the right leader to secure a following. Moreover, the whole assumption that party lines in Nicaragua are unalterably fixed as between Conservatives and Liberals is challenged. If such a situation actually existed, the country would have to remain Liberal indefinitely, simply because the Liberals have won the last two supervised elections; and it follows that if the country is permanently Liberal, the holding of further elections is an unnecessary formality. The mere statement of such a conclusion, it is argued, exposes the weakness of the reasoning from which the conclusion of those opposing a third party is drawn. It is contended that the very principle of democratic government depends upon the development of a body of independent voters.⁷⁷

Americans Deny Opposition to Third Parties

Americans deny that the United States is opposed to third parties on the ground that such groups might be anti-American. Thus, Captain Johnson declared during the last campaign that any candidate could be either a friend or an adversary of the United States, since the purpose of the Electoral Mission was only to secure liberty in Nicaragua.⁷⁸ So long as the nationalists

in Nicaragua make no effort to run candidates in the elections, it will be difficult to convince the outside world that they are suffering from discrimination. Nevertheless, until a return is made to the 1923 law allowing 5 per cent of the ordinary voters to establish a third party, and until guarantees are given concerning free speech, many Nicaraguans and others will not believe that American supervision is really "fair." So long as the electoral machinery is weighted against third parties, there will be no accurate means of determining whether or not third-party sentiment exists.

IS SUPERVISION A TRAINING FOR SELF-GOVERNMENT?

Another important question being asked in Nicaragua is whether American supervision of elections, at least in its present form, is training Nicaragua in self-government. We have already seen that under the present system there is an American chairman not only of the national, but of each departmental and local board. While two Nicaraguan members assist the chairman, it is evident that they regard themselves more as party advocates than as impartial judges. Moreover, full responsibility for the administration of the elections falls upon the American chairmen and vice-chairmen. It is American officials who see to it that the ballots are printed, that they are distributed, that they are guarded, and that they are counted.⁷⁹ Thus the Nicaraguan officials are not securing actual administrative experience in the conduct of elections. It is understood that the American authorities desired to make use of Nicaraguan chairmen of local boards in the 1930 elections, but the leaders of both parties declared that no impartial persons could be found. In reply, it is contended that if the United States had made the nomination of Nicaraguans as chairmen a condition of supervision and if the American departmental chairmen had rigorously supervised the work of such local chairmen, the Nicaraguans gradually

76. For the record of the Moncada government, backed by an American-directed *Guardia*, in restricting nationalist newspapers and expelling persons who allegedly have aided Sandino, cf. Buell, "Reconstruction in Nicaragua," cited, p. 328 *et seq.*

77. In the 1928 elections the Liberals carried nine departments, while the Conservatives carried four (Chontales, Granada, Rivas and Matagalpa). In 1924 the Liberal coalition carried eleven departments, leaving the *Chamorristas* only Chontales and Managua. In 1924, however, a number of Conservatives supported the coalition ticket. Cf. *Informes Sobre las Elecciones*, cited, p. 39, 113 *et seq.* In 1928 the Liberals received a majority of about 20,000 over the Conservatives. Some Nicaraguans do not agree that these 20,000 voters represent a permanent Liberal majority, but insist that they are, rather, independent voters who will control the balance of power in the future. In 1928 they supported the Liberals, it is contended, because of the success of the Liberal armies and of the belief that the United States favored the election of Moncada.

78. *La Noticia*, September 11, 1930. It was pointed out, also, that the Liberal-Republican party, which was not recognized, was strongly pro-American.

79. Existing concurrently with the National Board of Elections in Managua was the American Electoral Mission, the headquarters staff of which in 1930 contained twenty-seven Americans. In 1928 the headquarters of the American Electoral Mission and the National Board of Elections were in different buildings, but in 1930 they were housed under the same roof. While this resulted in some economy, it diminished still further the distinction between the two bodies, and increased the appearance of American control of the election machinery.

would have developed a sense of both impartiality and responsibility. As long as the present American-administered system exists, the United States will be criticized for following in Nicaragua, as in Haiti,⁸⁰ a policy of doing things for the people of the country but of not training the people to do things for themselves.

American Supervision and Local Responsibility

Many admit that American-supervised elections in Nicaragua are conducted upon a higher plane than elections in many parts of the United States and Europe. But it is argued that the more perfect the system the more difficult it will be for the Nicaraguans to operate this system by themselves and the longer American intervention will be necessary. In agreeing at Tipitapa to supervise the 1928 election, the American authorities, so far as the documents reveal, had no idea that supervision would involve interference with so many of the internal affairs of the country only indirectly connected with the election, or that the supervision of elections would be extended to include the congressional elections of 1930 or the presidential election of 1932.⁸¹ Some Americans and Nicaraguans declare that an American Electoral Mission should remain permanently in the country and supervise all elections for an indefinite period—some suggest ten years, others fifty. Thus a policy which starts to give self-government to a people may end by strengthening foreign control. It is contended that instead of developing responsibility and independence, such a policy increases a local feeling of irresponsibility and helplessness, thus diminishing the capacity of the country for self-government. In Managua the expression has arisen among house servants: "Let the marines do it."

In Salvador and Honduras progress has been made in recent years toward fair elections—a goal that has already been reached in Costa Rica,⁸² and this progress has been

due to spontaneous internal development, in contrast to Nicaragua where fair elections are due to the work of an outside authority. The United States necessarily has brought to Nicaragua its own conception of election machinery; that this machinery is both artificial and costly is shown by the fact that the 1930 election in Nicaragua cost the local government about \$52,000 and the United States about \$500,000—or a total of about \$550,000—in comparison with the cost of elections in Costa Rica which averages about \$15,000.⁸³

Social Development Necessary for Nicaraguan Advancement

If the purpose of the United States in supervising elections is to educate Nicaragua in self-government and not merely to find a justification for suppressing revolution in that country, many people believe that a more fundamental attack on the problem should be made. In their view fair elections are not the cause but rather the reflection of an advanced stage of social development. A people reaches this stage only after a slow educational process through which Nicaragua has not yet passed. To attempt to introduce the electoral standards and machinery of a government as educationally and socially advanced as the United States into a country which has an illiteracy rate of about 70 per cent and which in certain other respects is still primitive, will do little, according to some critics, for the development of real self-government, if indeed the policy will not retard it. The vast sums expended on electoral supervision⁸⁴ could more profitably be expended, it is contended, upon education, public health or communications.

The "Servility" of Nicaraguan Leaders

In further support of the contention that electoral supervision is decreasing the capacity of Nicaragua for self-government, it is contended that instead of breeding a spirit of self-reliance and independence on the part of

80. For a criticism, cf. the *Report of the President's Commission for the Study and Review of Conditions in the Republic of Haiti (1930)*, (Washington, Government Printing Office, 1930), p. 8.

81. In requesting supervision in May 1927 President Díaz began his letter to President Coolidge: "With the object that the elections to be held in Nicaragua in October 1928 should be impartial. . . ." (*Reglamento Electoral*, cited, p. II.) The 1930 electoral decree (Article 20) provides for supervision in 1932 also.

82. R. L. Buell, *The Central Americas*, F. P. A. Pamphlet, No. 69, December 1930.

83. Cf. *Ley de Presupuesto*, 1930, Costa Rica, p. 35; *Memoria de Hacienda y Comercio*, año 1928 (Costa Rica, 1929), Vol. I, p. 130. Both countries have about the same population but Costa Rica has a more compact territory; this does not explain the great difference in election costs in the two countries, however.

84. To the sum of \$550,000 actually expended by the Nicaraguan and American governments should be added perhaps half a million dollars expended by the two parties in the 1930 campaign.

political leaders, election supervision, following upon a policy of vetoing presidential candidates in the past, has inculcated in Nicaraguan leaders a spirit bordering on servility toward the United States. In Haiti and Santo Domingo, where American interventions have taken place, and in many territories under colonial or semi-colonial rule, such as India or Egypt, the intellectual and political leaders are against foreign control, whereas the silent masses, according to the governing class, supposedly favor the continuance of such control because of the material benefits conferred. In Nicaragua an opposite state of affairs exists. Here the political leaders outdo each other in lauding the United States and in offering to increase American control over the country.⁸⁵ When one gets to know these leaders better, he will find that some of them are at heart against the American occupation. Nevertheless, no recognized political leader has publicly declared such opposition, although according to important testimony the masses of the country would like to see the United States depart. Official spokesmen explain that the Nicaraguan leaders, realizing the chaos into which the country has fallen, are farsightedly convinced that only American assistance can save the country. It is difficult to believe, however, that the Nicaraguan leaders are any more farsighted than are the leaders of Santo Domingo, Haiti, India or Egypt, where foreign control is also alleged to be working for the best interest of the country concerned.

No Anti-American Can Be President

The explanation given by others for the lack of criticism of the United States is that the Nicaraguan political leaders believe that no one can become President whom the United States dislikes. In the past the State Department has frequently interfered in local politics and its power to do so, according to critics, has been increased by the establishment of the supervisory machinery. As strong a man as José Zelaya had to flee the presidency in 1910 because he had angered Secretary Knox. In 1916 the

Liberal candidate for the presidency asserted that the American Minister warned that no one could be elected President who did not accept the Bryan-Chamorro treaty, or the economic plan and a police system recommended for Nicaragua by the State Department, or who could not prove that he had not been connected with the Zelaya administration.⁸⁶ In 1926 Emiliano Chamorro learned that he could not stay in power without the recognition of the State Department, and Dr. Sacasa and his short-lived government at Puerto Cabezas in the following year learned the same lesson. On the other hand, the man most outspoken in his pro-Americanism, Don Adolfo Díaz, has been President twice. It may be that the American supervision today is impartial as between Liberals and Conservatives, but critics point out that both parties are now *Americanista*. The Liberals cannot demand the evacuation of the United States since it is by American supervision that the Liberals have returned to power. The Conservatives, supported for eighteen years by the American legation guard, will not turn against the United States so long as they believe that through supervision they may return to power. The leaders in each group seem to place party success above considerations of patriotism. As long as this sense of values prevails, party rivalry will work to the continuance of the American occupation.

In other Central American countries, the traditional division between Liberals and Conservatives has disappeared in favor of more numerous and fluctuating groups, built around individuals. With this development political feuds seem to have declined in intensity, while revolutions have become less numerous and fair elections more frequent.⁸⁷ If such a development could occur similarly in Nicaragua, it is natural to believe that a major cause of revolution would be removed. It is contended, however, that the present policy of electoral supervision gives a marked preference to the two historic parties, and is tending to preserve each party in an inflexible mold when otherwise it might disintegrate.⁸⁸ Naturally the present political

86. Harold N. Denny, *Dollars for Bullets* (New York, The Dial Press, 1923), p. 177.

87. Cf. Buell, *The Central Americas*, cited, p. 5 et seq.

85. For some unexplained reason the university students in Nicaragua do not take the active interest in politics taken by students in the other Latin American countries.

88. During the last few years, indeed, there have been frequent demonstrations of deep factional divisions within the two parties. Cf. p. 386.

leaders wish to preserve the monopoly enjoyed by their parties, but a number of observers feel that the problem of peaceful government will not be solved until this political monopoly is destroyed; they contend that the United States at least should not bolster up this monopoly artificially.

THE QUESTION OF CONSTITUTIONALISM

Finally, the question is asked: Can the United States really develop constitutional government unless it pays scrupulous respect to the Nicaraguan Constitution? At present Americans are serving as the heads of the Nicaraguan customs, the *Guardia Nacional* and the National Board of Elections. Nevertheless Article 114 of the Constitution provides that the "Heads of Departments" must be Nicaraguan citizens and "natives." It is contended by a number of local jurists that the employment of Americans in the above responsible positions violates this article.⁸⁹

Moreover, in 1928 and in 1930 the President of Nicaragua, in accordance with the wishes of the American authorities, set aside or amended electoral laws by decree—a procedure which in 1924 the Nicaraguan Supreme Court held was unconstitutional,⁹⁰ and which under general principles of constitutional government is recognized as illegal. The American and Nicaraguan authorities in charge of the *Guardia Nacional* have, moreover, ignored the provisions of the 1927 agreement limiting the size and cost of that body.⁹¹ American officials contend that these limitations were the result of amendments by the Nicaraguan Congress which were unacceptable to the United States. Nevertheless, the only convention legally in effect is that approved by Congress.

In a desire to make constitutional various phases of the American occupation, the Nica-

raguan Senate adopted proposals for constitutional amendments in the spring of 1930. These amendments authorized the employment of civil and military employees by the Nicaraguan government in accordance with international agreements; the establishment of special military tribunals; and the construction of the Nicaraguan Canal.⁹² They also legalized the *Guardia* regulations. The lower house failed to act upon these proposals, and the question of constitutionality remains.

While some Americans assert that it is possible to reconcile the Nicaraguan Constitution with the American occupation, others frankly admit that the two conflict. They do not, however, seem to attach importance to the question on the ground that the American occupation, having been established for the purpose of reconstructing Nicaragua, cannot be interrupted by more or less academic legal difficulties. They point out that the Nicaraguan Constitution has been repeatedly violated by Nicaraguans themselves.

It would be possible to accept this view and ignore the constitutional question simply by basing the American occupation of Nicaragua upon *force majeure*—military necessity. But from the first the United States has declined to place the occupation upon this basis: it refused to recognize Chamorro in 1926 because he had violated the Nicaraguan Constitution and the 1923 treaty and it was careful to gain the "consent" of the Díaz government to intervention in 1927. Writing at that time, Colonel Henry L. Stimson declared: "Our peace settlement must necessarily be carried out under the Nicaraguan constitution. . . ."⁹³ The United States cannot escape, it is contended, from being judged by standards which it laid down itself. Critics point out that if the United States believed it necessary to gain the consent of the Nicaraguan authorities to intervention, logically it must inquire to what extent under the Nicaraguan Constitution such authorities have the power to grant consent. They contend that the United States cannot expect Nicaraguans to learn

89. Cf. also the Senate debates, *La Gaceta*, February 17, 1930, p. 314; *ibid.*, March 7, 1929, p. 366. For the contention that the regulations of the *Guardia Nacional* are unconstitutional, cf. Buell, "Reconstruction in Nicaragua," cited, p. 333.

90. For the Martínez decree of 1924, cf. Buell, "Reconstruction in Nicaragua," cited, p. 318. In promulgating these decrees the President usually invokes Article 111, authorizing him to maintain peace and internal security. But it is contended that this general authority cannot be exercised to amend legislation governing such subjects as elections. In reply it is contended that in administering the oath to the American chairman of the National Board of Elections, the Supreme Court tacitly admitted that this Board was constitutional. Nicaraguans contend, however, that the Supreme Court did this because of *force majeure*.

91. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 331.

92. *Proyecto de Reformas a la Constitución*, 1930, p. 28.

93. *American Policy in Nicaragua*, cited, p. 68.

respect for law if the United States itself does not pay respect to the Constitution.^{93a}

Does the United States Support a Dictatorship?

As a result of the Tipitapa agreements, the United States has assumed responsibility for maintaining in power the Nicaraguan government. But it does not inquire into whether the acts of this government in suppressing newspapers and deporting political offenders—acts usually carried out by the American-officered *Guardia*—are constitutional. In the eyes of many Nicaraguans the United States is nevertheless responsible for these unconstitutional acts, in view of the fact that the United States prevents the overthrow of the Moncada government. On one or two occasions the American authorities

have attempted to question the legality of certain government orders, but such questions usually have been resented by the Nicaraguan authorities, whose cooperation is essential if the American occupation is to remain. The moment the Nicaraguan Congress refuses appropriations for the *Guardia*, or the courts refuse to impose judgment upon persons arrested by the *Guardia*, or one party refuses to participate in a supervised election, the position of the United States will become untenable. In view of the delicacy of this situation, the American authorities, while sometimes cautioning against too flagrant interference with the press, believe that it is best to give way to the wishes of the local government in matters not of immediate practical importance to the United States.

POLICIES PROPOSED FOR THE FUTURE

Many of those who are convinced that the present system of electoral supervision is no solution for the difficulties of the country suggest at least five other possible alternatives.

1. A NEW FORM OF ELECTORAL SUPERVISION

A modification of the form of electoral supervision so as to place responsibility for elections upon the Nicaraguan government, leaving the American authorities merely in a position of ultimate control. A step in this direction would be the replacement of Americans by Nicaraguans as chairmen of the local election boards. These local chairmen might commit abuses; but the American chairmen of the thirteen department boards would remain for the time being to check abuse and to hear appeals. Under this plan the election law would be amended so as to allow 5 per cent of the ordinary voters to establish a third party or to run independent candidates.

^{93a}. In case an international tribunal should find that the various agreements under which the United States has intervened in Nicaragua violate the local constitution, it would probably declare such agreements invalid under international law. Cf. the Taft award, "Arbitration between Great Britain and Costa Rica, October 1923," *American Journal of International Law*, January 1924, p. 172; also Series A of the Publications of the Permanent Court of International Justice (*Collection of Judgments*), No. 2, *Mavrommatis Palestine Concessions* (Leyden, 1924), p. 28.

2. THE ESTABLISHMENT OF A COALITION GOVERNMENT

A second proposal is the establishment of a coalition government by the Liberals and Conservatives. Such a coalition would tend to bury party antagonisms, and to impose responsibility upon both groups for the development of the country. Moreover, it would give both parties a share in the patronage, and thus tend to satisfy both groups.⁹⁴

Some Nicaraguans suggest an agreement between the two parties whereby a Liberal should be President for the next term (1933 to 1937), to be followed by a Conservative. Others suggest the selection of a non-party President for 1933 to 1937, similar to the selection in 1930 of President Roy as a non-party provisional President for Haiti. One difficulty of a coalition government is that it would exclude third parties and strengthen the present political monopoly. This danger might be lessened by making the composition

⁹⁴. In their manifesto to President Hoover, the Nationalist leaders declared, "had the intervention [of 1927] really desired to put an end to the barren struggle between the rival factions, it should have attempted to bring them to an understanding, convincing them that they should agree to organize a Government that, resulting from the unanimous consent of the groups that form the general opinion, would have the good will and the support of the entire nation and would feel itself backed by the effective recognition and the moral support of the United States."

of Congress depend upon the result of a free election in which third parties would be allowed to participate. It is obvious that a coalition government would be more likely to hold a free election than a strictly party government.

Other Nicaraguans declare that the coalition plan was tried in the Solórzano-Sacasa government of 1925 and failed.⁹⁵ In reply it is pointed out that this coalition included only sections of the two parties, and excluded some of the strongest leaders in the country. While left to themselves the parties probably would not enter into such a coalition because of party feeling, they would undoubtedly do so, according to these observers, if the United States used the pressure which is now being exerted in other directions to bring about this end.

3. AN AMERICAN GUARANTEE MERELY OF STABILITY

The third alternative is a policy whereby the United States would merely guarantee stability in Nicaragua, regardless of whether this involved the maintenance of unrepresentative or dictatorial government. Such was the policy pursued here between 1912 and 1925, and such has been in effect the policy of the United States in Cuba and Panama. This policy would have the merit of simplicity—it would be the easiest policy for the United States to apply. Nevertheless it would be repugnant to the sense of justice of large sections of opinion in the United States and elsewhere.

4. A POLICY OF HAITIANIZING NICARAGUA

A fourth policy is for the United States to impose a program of economic and educational development upon Nicaragua, similar to that attempted for the last fifteen years in Haiti, to lay the groundwork for self-government in the future. Instead of, or in addition to, spending several million dollars in the military pacification of the country and in holding elections, the United States, it is argued, should expend such sums, or induce Nicaragua to borrow funds, for economic regeneration. To secure these aims, and to stop financial leakage, the United States

should establish control over Nicaraguan finance to a greater extent than at present, and take over full responsibility for the public health, public works, education, and other branches of the government.⁹⁶

5. NON-INTERVENTION

The fifth policy is one of non-intervention. The proponents of this policy do not object to the employment of foreign experts or to foreign borrowing if these are really desired by Nicaraguan opinion. They do object to a policy on the part of the United States which attempts to regenerate Nicaragua by a show of force. They do not object to a dictatorship which represents a natural stage in the evolution of a people but they do object to dictatorships held in power, if not created, by the United States. Neither do they object to revolution. Within the last year six successful revolutions have occurred in Latin American countries; and they believe it is unjust to attempt to deny to Nicaragua a right which so many other countries have exercised. Whether by dictatorship, revolution or evolution, they believe that the Nicaraguan people will make fundamental progress only when they are allowed to assume full responsibility for working out their own destinies. They contend that in applying the recognition principles of the 1923 treaty the United States has actually provoked revolution in Nicaragua and embroiled itself in the internal affairs of the country.⁹⁷

The one fundamental reason given by the American State Department for opposing revolution in Nicaragua is to prevent the occupation of this territory by European powers. It is contended, however, that this objective could be realized if the United States merely landed marines in time of dis-

96. At present, an American, designated and appointed by the Nicaraguan government, collects the customs; and, after paying the service of foreign loans, turns the proceeds over to the government. In his economic and financial survey of Nicaragua made at the request of the State Department, Dr. W. W. Cumberland suggested a new financial plan providing for the collection of all revenues by a Collector-General nominated by the United States and for the sale of 51 per cent of the shares in the Nicaragua National Bank. He also proposed an Auditor-General and a Public-Works Service, similarly appointed, and a new loan of \$30,000,000. (Dr. W. W. Cumberland, *Nicaragua, an Economic and Financial Survey*, Annex A, Washington, Government Printing Office, 1928.) The Nicaraguan government so far has not looked with favor upon the extension of American control, while the State Department, doubtless having the experience of Haiti in mind, has shown no desire to assume additional responsibilities, such as would be involved in accepting the Cumberland plan.

97. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 322 et seq.

95. Cf. Buell, "Reconstruction in Nicaragua," cited, p. 319.

order to protect foreign lives, which is quite different from indefinitely occupying the country to prevent disorder from breaking out in the future or to regenerate its internal affairs.

As far as the fear that some European power might obtain the right to construct the Nicaraguan canal is concerned, it is pointed out that the Bryan-Chamorro treaty of 1914 already gives the United States construction rights "in perpetuity" to this canal, and that it is hardly conceivable that any Nicaraguan government, however unfriendly to the United States, would abrogate this treaty for the purpose of handing over the canal rights to a non-American government; nor is it conceivable that any other power except the United States would have the material interest or the financial means to construct the canal, the cost of which has been placed at about a billion dollars. If a further guarantee is desired, it could be found in a Pan-American or Central-American treaty, in which the parties would agree not to allow the construction of any Ameri-

can canal except by an American power or group of powers.

It is admitted that once the Nicaraguan Canal is constructed, the interest of the United States in the stability of Nicaragua would be increased. But there are many reasons for believing that the actual date for such construction is still in the distant future and that meanwhile it will be possible for the Nicaraguans to set their house in order, provided the United States changes its present policy. Moreover, unlike the Panama Canal which cuts through the heart of the Republic of Panama, the Nicaraguan Canal would merely skirt the southern borders of the country, not even touching the important Nicaraguan cities. It therefore should be less difficult to isolate the Canal Zone from Nicaragua proper than in the case of Panama. Proponents of this principle of non-interference contend that the construction of the Nicaraguan Canal should not be an indirect means of increasing the present dependence of Nicaragua upon the United States.